



STATE SENATOR
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2004 Post-Session Newsletter

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Defining Marriage



The traditional definition of marriage has been under attack in courts across America by special interest groups representing the same sex rights lobby.

Recently, the Massachusetts Supreme Court ruled that same sex marriages must be recognized under state law. A similar effort is underway in Indiana, as the Indiana Civil Liberties Union has sued on behalf of three same sex couples to have their relationships recognized as marriages in the Hoosier state.

The concept of one man, one woman marriage has been enshrined in our history, our laws, and our religious traditions for thousands of years and I believe it should be protected and promoted. Efforts to legit-

imize same sex marriage hurt the traditional institution of marriage and open the door to legal challenges in favor of polygamy and other outlandish behaviors.

Indiana law, as well as the law in 37 other states and federal law, currently defines marriage as the union of one man and one woman. However, if these interest groups are successful in their court challenge, an amendment to the Indiana Constitution is the only means available to protect our law and our traditions.

Four states currently have such an amendment, and President Bush called for an amendment to the U.S. Constitution in his State of the Union speech, and again recently.

To address this attack on traditional marriage, Senate Joint Resolution 7, which I co-authored, was introduced by Senator Brandt Hershman to amend the Indiana Constitution to define marriage and prevent recognition of same sex couples.

SJR 7 would have to be approved by two separately elected general assemblies and put on a statewide ballot for voter approval before it could become law.

The measure passed the full Senate by a vote of 42 to 7 after several hours of cordial debate and discussion. Unfortunately, when the resolution passed to the House of Representatives for consideration, the Speaker of the House declared that he would allow no public hearing on the matter.

In response, House Republicans lobbied for several weeks and attempted a variety of legislative maneuvers to convince the Speaker to reconsider. Unfortunately, the Speaker would not relent, so there will be no opportunity for citizens to vote on the issue until late 2008.

I believe this is a matter which should be addressed by the entire legislature and the citizens of Indiana through a statewide voting referendum, rather than through the actions of an activist judiciary.

Marriage
should be
constitutionally
defined
as the union
of one man
and one woman.

2004 Facts & Figures

The Second Regular Session
of the 113th General Assembly
began on Organization Day,
November 18, 2003,
and adjourned March 4, 2004.

This non-budget year is known as
the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced:
10

Senate bills passed: 18
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0
Percent of introduced bills that were
sent to the governor: 10%

For more information
about the General Assembly's
2004 session,
visit us online at:
www.in.gov/legislative

Visit my site at:
www.in.gov/S35



State Senator Mike Young

Serving District 35 — Johnson, Marion & Morgan Counties



Property Taxes Remain Priority

The Indiana General Assembly started the 2004 legislative session earlier than usual to address property tax issues. Ordinarily, the legislature convenes for one day on the third Tuesday in November, called Organization Day, in order to meet and do general 'housekeeping' business.

This session, legislators conducted committee meetings and held session in November and December to attempt to ease the property tax burden for homeowners, farmers, and employers hit with higher tax bills than expected.

Due to the court-ordered property tax reassessment, some problems have surfaced in a few counties around the state. During several weeks in the fall, members of the Senate Finance Committee met around the state to gather information and evaluate state policy on property taxes.

The result of the "mini-session," Senate Enrolled Act 1, includes many of the good ideas citizens offered to help address the problems.

One of the most important provisions of SEA 1 will limit future property tax increas-

What Senate Enrolled Act 1 Does:

- Allows counties to waive penalties assessed for late payment of property taxes
- Allows taxpayers to pay their property taxes in installments
- Extends the filing deadline for existing property tax deductions and exemptions
- Requires approval from elected officials of significant property tax increases by non-elected boards, such as libraries.
- Streamlines the property tax appeal process to make it easier for taxpayers
- Requires assessors to use most favorable assessment method for rental properties
- Repeals local governments' ability to raise and spend excess levies and requires any excess funds to be used to reduce future levies

es through strict controls on local government spending. In 2002, legislators tried to anticipate the effects of reassessment and passed a bill that shifted the tax burden to sales and gaming taxes in order to generate an additional \$1 billion in tax relief for property owners.

— see [PROPERTY TAX](#), page 3

Young Sponsors Drunk Driving Bill

One of the key principles behind criminal law in America is that the severity of the punishment should equal the severity of the crime. Most crimes fulfill that principle, but causing death while driving under the influence of drugs and alcohol does not.

That is why I sponsored House Enrolled Act 1394 in the Senate. The bill increases penalties for causing death in certain circumstances.

The legal blood-alcohol content limit is .08, but statistics show that 30 percent of the alcohol-related traffic deaths are caused when the driver has a BAC of .10

or greater. HEA 1394 increases the penalty for causing death with a BAC of .15 or higher from a Class C to a Class B felony.

The act also raises the penalty for drivers who cause death while under the influence of other drugs. Narcotics are illegal regardless of the user's age or amount taken. Causing death while under the influence of drugs is currently a Class C felony, punishable by up to eight years in prison. HEA 1394 raises the charge to a Class B felony, which can garner a sentence of up to 20 years. Another important change is creating a felony for those who

— see [Drunk Driving](#), page 2

How I Voted On Key Issues

HOUSE ENROLLED ACT 1265 — Establishes a program pooling state employees to negotiate lower prices for bulk purchases of prescription drugs. Applies to schools, state colleges and universities, and cities and towns.

PASSED. My vote: YES



SENATE BILL 135 — Requires school corporations to provide time for the Pledge of Allegiance and a moment of silence at the beginning of each school day. During the moment of silence students can individually choose to meditate, pray or engage in any other silent activity. **FAILED. My vote: YES**



HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC).



PASSED. My vote: YES

SENATE ENROLLED ACT 194 — Various measures help protect children by ensuring the safety of those who live with a convicted child abuser. Opens state records regarding a child who died as a result of abuse, abandonment, or neglect.



PASSED. My vote: YES

SENATE JOINT RESOLUTION 7 — Would have begun the process of amending the state constitution to define marriage as the union of one man and one woman. Because it failed in the House, the earliest the provision could appear on the ballot is 2008.



FAILED. My vote: YES

SENATE ENROLLED ACT 86 — Allows a voter to check "address unchanged" box on poll list instead of writing entire address when signing in to vote. Would save voters time when polls are crowded. **PASSED. My vote: YES**



Fairness in Lending

Indiana has an enviable record when it comes to the realization of the American Dream. We have one of the highest rates for home ownership in the U.S. This enviable record has come about in large measure because of a favorable regulatory climate and because of Hoosier frugality.

The explosion in home ownership across the country is mainly due to the availability of credit to those families who have less than the best credit ratings. This sub-prime credit availability has been called by Alan Greenspan the "Democratization of Credit." Over the last two decades, tens of thousands of Hoosier families have found themselves in a position for the first time to buy a home.

However, this availability of credit has led to a few unwanted side effects. Many families have not made the wisest decisions when handling credit or when it came to financing their homes. The second negative phenomenon has been the rise of fraud and other unscrupulous practices by individuals who are in the business of extending credit.

Beginning in the 2000 session, the legislature has been trying to come to grips with the more negative aspects of sub-prime lending. The challenge has been to extend greater consumer protections without curtailing the availability of credit.

DRUNK DRIVING

CONTINUED FROM PAGE 1

drive drunk and have a minor in the vehicle.

Finally, this bill increases the penalty for people who cause death while under the influence more than once. Current law allows a person who twice has been convicted

Over the past several years, about half of the states have adopted some sort of "predatory lending" law. In some of these states, the pendulum has swung too far in the direction of protection, thus curbing the availability of credit. In other states, some would argue, the pendulum did not go far enough to protect consumers.

In Indiana, I'm very happy to report a balance has been struck that found the active support of the lending community, as well as that of consumer activists. We are the first state to achieve this balance.

HEA 1229 will extend real consumer protections, while insuring the availability of credit. For the first time in this country, we will fund a Home Ownership Protection unit within the Attorney General's office

that will actively pursue and prosecute fraudsters involved in bilking home buyers.

Indiana conservatism usually means that we are not on the cutting edge of most issues. However, with the passage of HEA 1229, it quite likely will become a model for the rest of the country. Those states that have yet to address the issue, as well as those who have already enacted a "predatory lending" law, may want to take a close look at Indiana's solutions to this vexing problem.

ed of killing a person while driving drunk to get back on the road and drive again. HEA 1394 establishes a lifetime suspension of driving privileges for such a person.

Driving while under the influence of drugs and alcohol kills too many people to be ignored. These crimes are preventable. The new law will act as a deterrent, but more importantly, it will raise the punishment to equal the severity of the crime.

HEA 1229 will extend real consumer protections, while insuring the availability of credit.

For the first time in this country, we will fund a Home Ownership Protection unit within the Attorney General's office that will actively pursue and prosecute fraudsters.

HONORING - our - TROOPS

I have worked hard in the General Assembly to make Indiana a better place to live. While our lives may not be in danger, I am always mindful of the freedoms we have and of those who have sacrificed to give them to us. Currently, thousands of men and women are on the other side of the globe risking their lives daily.

Our goal to make Indiana and the United States a free, prosperous, successful nation are the same, but the job they do is much more risky. That is why I was pleased to honor a few Indiana soldiers during this session.

In February, the Senate recognized Private Jesse M. Halling, a 19-year-old Ben Davis graduate who was killed in Iraq in June. I never met Private Halling, but he died for my freedom. That is the ultimate sacrifice a person can make for his country.

Jesse not only died while in Iraq, but he died a hero. He stayed at his post to return fire while he ordered his fellow soldiers to take cover. He was posthumously awarded with a Bronze Star and a Purple Heart for his bravery.

Young Supports Law to Protect Children

One of the most critical issues addressed during the session is child protection. Several provisions passed this year will take Indiana one step closer to removing the problem of child abuse, neglect and molestation.

Recent cases where an innocent child has died, such as the Anthony Bars case in Indianapolis and several child protective services mishaps across the state, prompted this push to improve child services.

One of these bills sets up more safeguards for children placed through child protective services, including more extensive background checks for temporary placement homes. Anthony Bars was an Indianapolis child who was placed with a family member with a history of abuse. Anthony's caseworker had not done a criminal background check, and the boy tragically was killed. Situations like these can be avoided with the help of this legislation.

PROPERTY TAX CONTINUED FROM PAGE 1

Property taxes are very complex compared to other ways government programs and services are financed and the debate continued when session reconvened in

January. House Enrolled Act 1001 was enacted to clarify and update language in SEA 1.

Senators also recognized the need to restore the value of certain targeted property tax deductions to levels prior to the reassessment. SEA 296 updates existing

deductions for the elderly, blind or disabled, wartime service disabled, disabled veteran, surviving spouse of a WWI veteran, WWI veteran, residential property rehabilitation, historic property rehabilitation, and residentially distressed area property rehabilitation.



I met with the First Battalion of the 152nd Infantry Regiment during our legislative session. The battalion returned to Indiana in February after a year of service in the Middle East. I had the opportunity to recognize the soldiers with a Senate Resolution commending their service and dedication to this country.

I also had the opportunity to recognize the First Battalion of the 152nd Infantry Regiment. This group left for Iraq and Kuwait last February and returned home this year.

As a father, I am very proud of my son, Michael, who is serving his country as a United States Marine in Iraq.

Senators are visible people in society. We make the news and get credit for successes. But we owe a debt of gratitude to the people who fight for our nation. They are the ones who should get the credit.